

Message Text

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PAGE 01 CAIRO 02434 091826Z
ACTION NEA-10

INFO OCT-01 ISO-00 EB-08 COME-00 INT-05 CIAE-00 INR-07
NSAE-00 /031 W

-----092253Z 113043 /66

R 091552Z FEB 77
FM AMEMBASSY CAIRO
TO SECSTATE WASHDC 1555

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E.O. 11652: N/A
TAGS: BDIS EG US
SUBJ: FIRST APPALACHIAN CORP

REF: (A) CAIRO 1657 (B) STATE 20573 (C) STATE 26937

1. EMBASSY WISHES TO BE OF ALL POSSIBLE ASSISTANCE TO FAC. HOWEVER, AS PARA 9 REF A INDICATES, AMBASSADOR DOES NOT BELIEVE IT WOULD BE USEFUL TO TAKE MATTER TO HIGHER LEVEL OF GOE. FONMIN FAHMY, LIKE PRIMIN, IS PREOCCUPIED AT THIS TIME WITH OTHER, MORE PRESSING MATTERS. WE DOUBT THAT PRIMIN WOULD CONSIDER OVER-RULING MINISTER OF INDUSTRY SHAHIN EXCEPT ON BASIS OF MIST CLEAR-CUT EVIDENCE THAT SHAHIN'S DECISION WAS IMPROPER OR UNFAIR. FOR FAHMY TO CONSIDER INTERVENING, SERIOUS FOREIGN POLICY IMPLICATIONS WOULD HAVE TO BE PRESENT AS WELL.

2. TEXT OF PORTION OF TENDER DOCUMENT RELATING TO COAL EXPORTERS' ASSOCIATION READS AS FOLLOWS:
QUOTE: TENDERS OFFERING COAL FROM U.S.A. SHOULD BE MEMBERS OF THE COAL EXPORTERS ASSOCIATION OF U.S.A., INC. AND THE TENDER SHOULD BE ACCOMPANIED BY A CERTIFICATE PROPERLY AUTHENTICATED TO INDICATE THIS FACT AND OR REGISTERED IN THE LATEST EDITION OF KEYSTONE OTHERWISE
OFFER WILL NOT BE CONSIDERED. UNQUOTE

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THERE THUS APPEARS TO BE SOME AMBIGUITY AS TO WHETHER REGISTRATION IN "KEYSTONE" IS ALTERNATIVE TO MEMBERSHIP IN EXPORT ASSOCIATION, AS A QUALIFICATION FOR BIDDING, OR WHETHER IT IS ALTERNATIVE TO "AUTHENTICATED CERTIFICATION" AS MEANS OF PROVING MEMBERSHIP IN EXPORT ASSOCIATION. EMBASSY HAS SOUGHT BUT NOT YET OBTAINED CLARIFICATION FROM CHEMICOKE OF

ITS INTERPRETATION OF LANGUAGE, BUT COMMENTS IN PARA. 8,
REF. A, SUGGEST THAT LATTER INTERPRETATION IS GOE VIEW.

3. EMBASSY DOES NOT BELIEVE IT WOULD BE WISE OR USEFUL TO
RAISE CHARGE OF "DISCRIMINATION" SIMPLY BECAUSE OF APPARENT
REQUIREMENT THAT BIDDERS BE MEMBERS OF COAL
EXPORT ASSOCIATION. EGYPTIANS WOULD PROBABLY REGARD THE MAKING
OF SUCH A CHARGE AS AN UNWARRANTED INTERFERENCE IN WHAT IS
PERCEIVED AS INTERNAL MATTER - THE SETTING OF STANDARDS FOR A
TENDER INVOLVING GOE-FINANCED PROCUREMENT. PREVIOUS
DISCUSSION INDICATED THAT RATIONALE FOR ASSOCIATION REQUIREMENT
IS GOE BELIEF THAT DEALING WITH SUCH FIRMS WILL ENHANCE
RELIABILITY OF COAL SUPPLY--- AN IMPORTANT CONSIDERATION SINCE
COKE OVENS REQUIRE CONTINUOUS FUELING.
EILTS

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Message Attributes

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Sent Date: 09-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
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Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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